HONOURABLE SRI JUSTICE A. GOPAL REDDY

AND

HONOURABLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION No.13272 OF 2007

DATE: 12-10-2007

BETWEEN:

D.R.K. Paramahamsa
Senior Citizen & Social Worker,
General Secretary, Rural Senior Citizen's
Welfare Association of A.P.
"Dhulpudi Sudha Ashramam",
Asifnagar, Zerra Road, Hyderabad. .. Petitioner

AND

The South Central Railway
Rep. by its General Manager
Rail Nilayam, Secunderabad
& 10 others .. Respondents

ORDER: (Per Hon'ble Sri Justice P. Swaroop Reddy)

This is a taken up writ petition on the basis of the letter dated 11-06-2007 addressed by the petitioner D.R.K. Paramahamsa, a Senior Citizen, to the Honourable the Chief Justice, High Court of Andhra Pradesh, Hyderabad.

2. The grievance of the petitioner is that he is 72 years old and is retired Superintendent of Customs and Central Excise. He is undertaking several social activities for the facility of senior citizens etc. He represented to Railways for the rights and privileges in respect of senior citizens and physically handicapped

persons particularly to organize separate reservation and booking counters. On 31-05-2007 at about 2-30 PM, he went to Secunderabad railway station to drop his daughter and two grand daughters at Guntur.

His son Vivekanand and his wife Smt. Madhavi also came to give send off. He approached counter No.4 and requested for issuance of tickets to him as a Senior Citizen and to his daughter Smt. Uma and two half-tickets to his granddaughters for Guntur by Palnadu Express scheduled to depart from Platform No.3 at 3-15 PM by disclosing his identity card of Senior Citizen on his shirt. He also enquired as to whether any separate counter or queue or "preference to Senior Citizens" was available, but the Clerk at counter No.4 rejected to issue tickets to him. He requested the booking clerk that he is a Senior Citizen and retired Central Government Employee and he made several representations to the General Manager and concerned authorities with regard to the matter of providing separate queue at reservation and booking counters 'preference to the senior citizens etc., as per the Government policy (N.P.O.P.).

3. The booking clerk got irritated and ill treated him and did not issue tickets to him, called G.R. Police personnel available at the counter who dragged him by holding his neck and started beating on his head, back and whole body.

They took him to Railway Police Station and produced him before the Sub Inspector G. Ramulu and they manhandled him, beat him on his whole body causing injuries.

They illegally detained him till 9-00 PM in the cell.

They abused him in vulgar language and threatened to implicate him in false criminal cases. His human rights were violated, his identity card and cell phone were snatched away, he was not allowed to contact anybody. He could not dial police control room. He was constrained to take medical treatment. His son

Vivekanand and daughter-in-law Madhavi who opposed illegal detention and assault on him were also not allowed to move from the precincts of the police station and were not allowed to contact him or anybody on phone or otherwise and his son and daughter-in-law were allowed to leave the railway station only at 9-00 PM on 31-05-2007.

4. The petitioner finally prayed to initiate appropriate legal action against the persons responsible for deliberate and intentional wrong against him.

5. On behalf of respondent Nos.1, 2, 5 and 6, a counter is filed denying the allegations and inter alia stating that the petitioner approached the booking counter No.6 but not booking counter No.4 as stated by him. Booking counter No.11 is provided for physically challenged persons and ladies for the issue of railway tickets, as such, the petitioner could have purchased tickets through his daughter or daughter-in-law who accompanied him at booking counter No.11.

The booking clerk at counter No.6 issues one ticket for every 20 seconds for passengers of number of trains during
14-00 hours to 19-00 hours as number of trains start at that time. There will be 60% of traffic of the day during that time. The Railway Administration has taken several steps to ease out the problem like issuing tickets 3 days in advance to enable the passengers to purchase tickets during lean hours. The petitioner could have availed that facility. In view of heavy rush of passengers, the booking clerks at counters will have no time to discuss or debate with the passengers in respect of any enquires.

During enquiry about the incident, the booking clerk at counter No.6 reported that the petitioner approached for issue of ticket from outside the queue and there were no government railway police personnel to intervene, but the petitioner started arguing for

which he and the passengers from the queue objected and an argument took place between the petitioner, counter clerk and several passengers. The government railway policepersons who were deployed for monitoring the queues and for checking pick-pocketers asked the petitioner to come in line, on that petitioner moved off. The petitioner gave a letter to the Chief Booking Supervisor, Secunderabad Railway Station at about 8-00 PM on 31-05-2007 where he mentioned about the happenings of that day and requested for separate counters exclusively for senior citizens. He never stated about what all he stated in the letter addressed to the Honourable the Chief Justice. After notice in the writ petition, the Assistant Commercial Manager, South Central Railway, Secunderabad made enquiries into the matter which revealed that the petitioner picked up argument by not coming in queue and no misbehaviour was there. It is also in the counter that railways have provided facilities like I-ticketing, E-ticketing and also through the post offices and RTSA's for booking tickets to avoid inconvenience to the passengers, that general tickets are being issued three days in advance, so that passengers can plan their journey and purchase their tickets in advance during lean hours, that MMT's are also authorized to sell general tickets from any station of South Central Railway to any station of Indian Railways. The railways would consider the suggestions made by the petitioner for having separate counters for Senior Citizens for issuing general railway tickets by providing separate counters.

The statements recorded by the Assistant Commercial Manager, South Central Railway, Secunderabad are also enclosed.

6. The Superintendent of Police, Government Railway Police, South Central Railway, Secunderabad also filed a separate counter denying the allegations. That Deputy Superintendent of Police, Secunderabad enquired into the matter and submitted his

report which revealed that the petitioner created nuisance by criticizing the railway department and police department. He was not manhandled, his cellphone was never snatched away, he changed his versions in his petitions etc.

7. Respondent Nos.1, 2, 5 and 6 have filed an additional counter stating that general ticket for passengers who intend to travel by trains are being given at Hyderabad, Secunderabad, Kachiguda and all suburban railway stations including MMTS railway stations from any station to South Central Railway to any station on Indian railways three days in advance. In respect of senior citizens, general tickets can be obtained in the counters provided for ladies and physically handicapped persons even without producing their identity cards. The senior citizens should carry their identity card during their travel by trains and show them on demand to the ticket checking staff. Provision for issuing general tickets and season tickets through reputed bank ATMs important post offices are under the process at Railway Board's level and will be implemented soon, that two schemes viz.,
"Jan Sandarshan Ticket Booking Scheme" and "Gramin Ticket Booking Sevaks" for issuing general tickets in Urban and Rural areas respectively have been introduced on pilot project basis on Northern and East Central Railway which would be implemented soon on South Central Railway to ease pressure on general booking counters.

8. During the course of hearing, petitioner did not turn up in spite of notice being issued twice. Heard Sri T. Ramakrishna Rao, learned Standing Counsel for Railways.

9. The averments in the complaint of the petitioner and the counters reveal that some incident has taken place.
The allegation that the petitioner was manhandled appears to be

incorrect. Even according to the petitioner he was accompanied by his son, daughter, two grand daughters and daughter-in-law. In the presence of all these people, perhaps, it was not possible that all the incidents narrated by the petitioner could take place and he was not in a position to complain to any authority. The very fact that in spite of presence of his son who is obviously not a senior citizen and of at least four ladies along with him i.e. his daughter, daughter-in-law and two grand daughters, he was bent upon to purchase tickets as a senior citizen shows that he was also at fault. He could have purchased the tickets through his son in the general queue or through his daughter-in-law or daughter or grand-daughters in the ladies queue. Apparently, he went and argued with the booking counter clerks by not following the queue and on account of that some incident has taken place. Though he claims that he was beaten up severely more than once and has taken treatment for the same, there is no material to show the same, it is difficult to believe that a 72 years old person accompanied by his son, daughter-in-law, daughter and grand-daughters could be beaten up at the Railway Station and Police Station. These allegations *prima facie* appear to be not true. However, we do not intend to record any positive finding on this and in case the petitioner is aggrieved, he may take up appropriate steps for prosecuting the concerned in an appropriate Court in accordance with law.

10. Coming to the question of providing separate counters for senior citizens, the counter filed on behalf of the respondents 1, 2, 5 and 6 reveal that several steps are being taken to issue tickets to the passengers without causing inconvenience to them about which reference is already made.

11. When tickets are being issued by several modes referred in the counters, particularly, through internet,
post-offices and at various other important places and also modes

like i-ticketing, e-ticketing and RTS, perhaps, the pressure on reservation counters at main railways stations would be obviously less, as such, it may be appropriate to provide only minimum number of counters for issuing reserve tickets at main railway stations and proportionately increase counters for general tickets which would help in avoiding congestion at the counters of general tickets.

12. It is contended by the learned counsel for the railways that even general tickets can be purchased three days in advance and passengers who plan their journeys in advance can purchase tickets during lean hours.

No doubt, this is a useful facility, but still people who plan in advance would generally purchase reserve tickets. Further, in all classes it may not be possible to plan journeys in advance. Even a reserve railway ticket is desirable to be avoided at the railway stations as it helps in saving time of passengers, avoiding traffic on roads, saving fuel.

These measures might look negligible, but considering the number of people that make journey each day in fact that would be substantial.

13. Learned counsel for the Railways Sri T. Ramakrishna Rao reported during the course of arguments that at Secunderabad railway station itself, 25 counters are operating for issuing general tickets and to a question from the Court as to how much time it may take for a passenger to reach the counter during peak hours after verifying from the concerned, learned counsel reported that during peak hours it takes about 15 minutes. We feel that even this 15 minutes is desirable to be reduced, as in several cases passengers reach the station just in time. Even if they start early, sometimes on account of traffic conditions they may reach the railway station only at the nick of

the moment and in case they have to wait at the counter again for 15 minutes, it is possible that they might miss the train, as such, it is desirable to increase the number of counters for general tickets at the railway stations to such an extent, that during any period, passengers would be able to get general ticket within a maximum of 2 minutes. Measures like issuing only general tickets during peak hours even in the reservation counters can also be considered.

14. As already referred, to save time to avoid traffic congestions and to save fuel it might be desirable to totally, may be gradually, discontinue issuing of reserved tickets at railway stations to encourage people purchasing tickets through other modes like i-ticketing, e-ticketing, RTSs or from a counter located at the nearest of once residence.

15. There should not be any difficulty for opening separate counters for senior citizens instead of asking them to purchase tickets through the counters of ladies or physically handicapped persons. 'There is possibility of misusing the facilities provided. Even in the present case, there appears to be some misuse of the position of a senior citizen, as the petitioner, a senior citizen, was not actually traveling and
in spite of ladies and a male non-senior citizen being present along with him, he wanted to purchase a ticket by misusing the facility as a senior citizen. Restrictions like issuing of only one ticket per head for senior citizens might be useful though it might cause inconvenience when a senior citizen travels along with his wife as it may be inconvenient for both of them to come in the queue, particularly while they are carrying luggage, but to avoid misuse of the facilities certain restrictions are essential.

16. We do not find any positive proof with regard to ill treatment or manhandling of the petitioner by the railway

authorities and in case the petitioner is aggrieved, he can take separate action as already referred in paragraph No.9.

17. In the circumstances, we make the following suggestions:

i) To examine the feasibility to open counter exclusively for senior citizens;

ii) To increase counters for issuance of general tickets to enable the passengers to get the general tickets within two minutes of their reaching the counter, even by issuing only general tickets in the reservation counters also, during peak hours (there might be practical difficulties like reservation complexes being located at some distance from the platforms); and

iii) To examine the practicality of completely stopping or drastically reducing the issuance of reserved tickets at railway stations to encourage people from purchasing reserved tickets through other alternative facilities provided.

18. The Writ Petition is ordered accordingly. No costs.

_____

A. GOPAL REDDY, J

October 12, 2007.

_____

P. SWAROOP REDDY, J

PV/BVS